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13 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

14
15 CITY OF SAN JOSE; PEOPLE OF THE
16 STATE OF CALIFORNIA; GINDIN-R&B
COMPANY

17 Plaintiff,

18 vs.

19 MARTIN & ROSANNA ALVAREZ, et al.

20 Defendants.

NO. 1-96-CV 759667

**DECLARATION OF PATRICIA
RAMOS IN SUPPORT OF
PLAINTIFF'S MOTION TO MODIFY
THE PERMANENT INJUNCTION AND
FINAL JUDGMENT PURSUANT TO
STIPULATION FILED ON APRIL 11,
1997**

**Date: January 29, 2010
Time: 9:00 a.m.
Dept: 5
Judge: Hon. Mary Jo Levinger**

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25 I, PATRICIA RAMOS, declare as follows:
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1 1. I have been employed by the City of San Jose for over (29) twenty-nine years.
2 I was a community coordinator for project crackdown in 1991 and assisted with the Santee
3 Community. For the past six years I have been in the City Managers office as a community
4 coordinator of the Santee Neighborhood Action Center located at 1535 Santee Drive, San
5 Jose, California 95122. I have 25 years of property management in the private sector that I
6 bring to the court injunction. The Santee Neighborhood Action Center, designated as part of
7 the Tully/Senter Neighborhood Action Coalition, is one of nineteen (19) Neighborhood Action
8 Coalitions (hereinafter "NACs") created by the San Jose City Council under the Strong
9 Neighborhoods Initiative established in 2002. The Strong Neighborhood Initiative is a
10 neighborhood revitalization program with the goal of building clean, safe, and attractive
11 neighborhoods. The NAC s include tenants, property owners, and other community members
12 that represent the strength and diversity of each designated neighborhood and each NAC
13 operates out of an action center located in the respective neighborhood.

14 2. As Community Coordinator of the Santee Neighborhood Action Center
15 (hereinafter "Action Center"), my staff and I act as a liaison between the tenants of the
16 Santee Neighborhood and various community-based agencies, County offices, the San Jose
17 Attorney's Office, and the City of San Jose's Police Department and Code Enforcement
18 Division.

19 3. The tenants of the Santee Neighborhood are primarily Hispanic, Vietnamese,
20 and Cambodian. I am fluent in both written and verbal forms of Spanish and other members
21 of my staff are also fluent in Spanish, Vietnamese, and Cambodian. The tenants are more
22 comfortable registering their complaints with and concerns to the staff of the Action Center
23 since most tenants wish to remain anonymous because they fear retribution from either their
24 landlords, for reporting housing violations, or from gang members or other and/or other
25 perpetrators, for reporting drug and gang-related crimes in the neighborhood. When Santee
26 tenants come to the Action Center to report problems, they complete a complaint form, a
27 sample of which is attached here to as exhibit A. Depending upon the nature of the
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1 complaint, the action centers refers tenants to a variety of resources within the City of San
2 Jose and the County of Santa Clara, including landlord/tenant agencies, code enforcement,
3 legal services, social services, health services, and recreational programs, depending upon
4 their needs.

5 4. The majority of tenants' complaints are related to substandard housing
6 conditions that includes cockroaches, mold, electrical violations, Fire Code violations,
7 plumbing violations, defective stoves, and deteriorated floor coverings, floors, walls, and
8 ceilings. The substandard housing conditions are reported to the court- approved
9 professional property managers and/or the property owners. If the violations are not
10 corrected within a reasonable amount of time, the complaints are referred to the San Jose
11 City Attorney Office for further action.

12 5. On a weekly basis, I talk to at least one hundred and fifty (150) "Santee"
13 residents. Many "Santee" residents come to the Santee Neighborhood Action Center due to
14 problems that they are experiences at their residences. I also walk through the "Santee"
15 neighborhood every weekday, talking to residence and following up with those persons who
16 have come to the "Santee Neighborhood Action Center" for referrals to community services
17 and resources. When I make referrals to those "Santee" residents who have come to the
18 Santee Neighborhood Center for help, I follow up by paying home visits or telephoning those
19 residences to make sure that they are working with the appropriate agency and getting the
20 help that they need. We also do drive thru surveys in the neighborhood both in the day and
21 evening to identify and report any graffiti and especially gang related ones.

22 6. Another important research for the Action Center is the Rental Rights and
23 Referrals Office of the Department of Housing of the City of San Jose. They protect the rights
24 and the landlords and also provide education and information to improve the landlord and the
25 tenant relationship. Tenants who have rental disputes, eviction questions, and/or service
26 reduction issues are referred to them.

1 7. We work with various Santa Clara County Departments such as juvenile and
2 adult probation, DA's office, superior court, family court. We assists with filings of domestic
3 violence documents, restraining orders, translate documents and translate English written
4 documents that they have received.

5 8. On the second Wednesday of each month, I conduct a Property Managers'
6 Meeting at the Santee Action Center. The following groups and/or City departments are
7 represented at the meeting:

8 A. San Jose Police Department (Gang Unit and Narcotic Enforcement
9 Team)

10 B. Safe School Campus Initiative (a partnership between the City, school
11 districts, Police Department, and County Probation to create safer schools and
12 communities by addressing youth related violence in a proactive and timely
13 manner.)

14 C. San Jose Code Enforcement Officer, Mike Tran ;

15 D. Admiral Security Services, Inc., the court- approved security service,

16 E. Court-approved, professional property managers;

17 F. Self- Managed Property Owners;

18 G. San Jose City Attorneys Office;

19 H. Manager of the Walnut Grove Income estates Homeowners' Association
20 (60 four plexes in Santee are members of this HOA);

21 I. Manager of Monte Ablan Apartments Homeowners Association
22 (neighboring apartment complex);

23 J. Santee Neighborhood Action Center personnel.

24 K. Monte Ablan Apartments Property Management

25 9. The purpose of the Property Managers' Meeting is to address Santee
26 neighborhood issues that are either agendized or brought forward during the meeting. A copy
27 of the meeting Agenda for November 18, 2009, is attached hereto as Exhibit B. Many of the
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1 issues are ongoing, such as parking and towing, safety and security, dumping of garbage in
2 the neighborhood of non-residents, graffiti, foreclosed apartment buildings, gang and drug
3 problems, and substandard conditions. Although it has been twelve (12) years since the
4 Permanent Injunction and Judgment Pursuant to Stipulation (hereinafter "Permanent
5 Injunction") was filed, we continue to deal with many of the original problems that warranted
6 the Permanent Injunction in 1997. Foreclosures have become a major issue in the court
7 injunction area. We have had up to 20 buildings go through a foreclosure process. Some
8 buildings have gone through numerous ones.

9 10. Exhibit "A" shows that McQuesten Drive is located within the boundaries of
10 the streets that are known as "Santee." McQuesten Drive is a residential block which
11 provides a dramatic contrast to other streets of "Santee," because the residential units and
12 grounds are well maintained and well manicured, and the properties are managed effectively.
13 I had hardly ever received citizen complaints involving McQuesten Dr. properties until the
14 foreclosures issues began in 2006 and deteriorated in 2008. I believe that the reason for this
15 is that McQuesten Drive residential properties are commonly managed by professional
16 property management company and are owner occupied. The foreclosures had brought
17 about abandon condo's that have attracted gang members, drug dealers and other illegal
18 activities such as prostitution. We have been working diligently with the McQuesten HOA to
19 secure the abandon condos.

20 11. The most common complaints that I have received are also seasonal during
21 the past year from residents of Santee Drive, Crucero Drive, Carnelian Drive, Dubert Lane
22 and Tami Lee Drive involve drugs, gangs, poor housing conditions and property blight.
23 Specific complaints include lack of landscaping, on the grounds of the residential properties,
24 causing dirt and dust to enter into the living units; the accumulation of trash through out the
25 residential grounds; the insufficient number of trash receptacles for the tenants to deposit
26 garbage; poor structural and paint conditions both inside and outside of the residential living
27 units; cockroach infestation inside the living quarters, which is visible both day and night;

1 broken plumbing fixtures; carpets that are dirty, mildewed and in need of replacement; skin
2 rashes tat are caused by the conditions inside the living units; the lack of rules of conduct,
3 enabling groups of residence and visitors to trespass on the grounds of the residential
4 properties, creating loud noise, drinking alcohol and urinating in public; gang graffiti; gang
5 members hanging out in groups on the residential premises; and drug dealing that takes
6 place in broad daylight and at night. Many of the complaints about drugs, gangs, public
7 drinking and public urination come from parents who complain that there is no respect shown
8 for the presence of children in the neighborhood and that the children are exposed to these
9 elements on a daily basis. In the winter month we get a much higher report of mold and
10 plumbing issues than normal. In the summer many cockroach infestations and water damage
11 are being reported.

12 12. Even with the emphasis on community action in "Santee" the problems persist.
13 Foreclosed buildings lack of property management and lack of owner. I believe that this is
14 because minimum housing standards are not maintained, there are no minimum standards
15 of conduct that are enforced at the residential properties and had been abandoned due to
16 the foreclosures in which they have had to be boarded up. The gang situation is persistent
17 and gang abatement needs to be put in place with the Court Injunction. As long as the gang
18 situation is not addressed for them to be loitering on public streets and the buildings order is
19 difficult to create a safe environment. Many tenants have lost their deposits due to the
20 foreclosures and ability to collect from owners in a legal process.

21 13. Approximately ten three years ago, I conducted a meeting for Santee tenants. I
22 wrote letters and conducted over 30 apartment meetings on Santee Drive, Crucero Drive,
23 Carnelian Drive, Dubert Lane and Tami Lee Drive. The notification letters were followed up
24 with phone calls. The purpose of the meeting was to strategies on how we could work
25 cooperatively on problems involving drugs, gangs and property blight. Developed a tenant
26 organization to learn about implementing and executing enforcement of the Court Injunction.
27 Many tenants were not educated or informed that the Court Injunction existed. The tenant
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1 organization continues to host monthly meetings and I as staff continue with apartment
2 meetings to encourage them to participate in their tenant group. Due to Santee having a
3 transient population most new tenants and new owners were not aware of the Court
4 Injunction, we have had tenant meetings where 50-100 tenants attend and participate. The
5 tenants have become to be the eyes and the ears of enforcing the Court Injunction. They
6 have learned how to work with the property owners and managers and various city
7 departments to maintain the property they live in.

8 14. I have personally spoken with approximately 75 seventy- five within the past
9 year. The "Santee" property owners that I have spoken with are not responsive to the
10 concept of becoming involved as component of the solutions to their neighborhood problems
11 which includes bank owned buildings. The general attitude of these property owners based
12 upon what they have told me is that the city of San Jose does not do enough for them,
13 including providing trash receptacles and trash pick up on their properties. Although these
14 are things that the property owners are responsible for, their attitude is that they are unwilling
15 to accept this responsibility.

16 15. The requirements for court- approved, professional property management and
17 professional security the Permanent Injunction, are major factors in the Santee neighborhood
18 becoming a safer living environment for tenants. The security company's daily activity reports
19 identify the fourplexes where drugs and/or gang activity are taking place and Property
20 Managers then take the necessary steps to evict problem tenants. Through proper tenant
21 screening, property managers keep problem tenants from relocating within the neighborhood
22 to continue their unlawful activities. As staff we were able to develop a strategy and dialogue
23 with the bank foreclosed buildings. We have them work with the court approved property
24 management. We have also as staff worked with property owners to become self managed.

25 16. The residential fourplexes on Dubert Lane and Tami Lee drive are governed by
26 the Walnut Groves Homeowners Association. I have attended some of their meetings. Based
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1 upon my observations, the meetings are disorganized and lack of leadership. The Walnut
2 Groves Homeowners Association is ineffective in improving neighborhood conditions.

3 17. Although there are recycle bins that are provided to the "Santee" residential
4 properties, they are not being used for recyclable materials. The City of San Jose has
5 sponsored a pilot recycling program on Dubert Lane, which is being performed by "Green
6 Team" on a contract basis. The results of this program are still pending. There is virtually no
7 recycling or materials at the Santee Drive, Crucero Drive, Carnelian Drive and Tami Lee
8 Drive residential properties.

9 18. Gang graffiti is present on the exterior of every conceivable surface in "Santee,"
10 including exterior walls, doors, fences, and mailboxes of the residential complexes. The
11 "Santee Neighborhood Action Center" participated in the City of San Jose's "Adopt-A-Block"
12 program. An anti-graffiti program that provides free paint supplies for the removal of graffiti in
13 "Santee" neighborhood. The response to this program has been predominately from the
14 "Santee" residents, who come to the "Santee Neighborhood Action Center" to get supplies to
15 remove and paint over the graffiti. For the most part, the "Santee" property owners have not
16 taken advantage of the free supplies provided by the City for graffiti removal. Property
17 owners and court appointed managers worked towards removing graffiti on their property and
18 carports.

19 19. There are problems of overcrowding in the fourplexes in "Santee" The
20 fourplexes are in "Santee." The fourplexes are mostly two (2) to three (3) bedroom, one bath
21 units. I have seen up to fourteen (14) people living in one residential unit. There do not
22 appear to be any controls by the "Santee" property owners on conditions of overcrowding.
23 The over crowding contributes the unhealthy environment inside of the residential units and
24 creates congestion in the carports behind the residential complexes. There do not appear to
25 be any controls on parking in the carports and driveways behind the residential complexes.
26 The parked cars accumulate in those areas, making passage through the alleys behind the
27 residential complexes difficult.

1 20. Responsible "Santee" residents often tell me that they have received threats
2 from persons that hang out in the neighborhood, warning them not to report illegal activity.
3 For example, one woman who lives in "Santee" recently came to me in tears. She told me
4 that she and her children were being threatened with physical harm by a "gangster" who
5 suspected her of "narc-ing on him for selling drugs. She stated that as a result, she is
6 keeping her children indoors and is not attending any more neighborhood meetings.

7 21. In many of the "Santee" residential complexes, there is no physical separation
8 between the carports, the residential complexes, and individual residential units. Because of
9 this open configuration, the residents are afraid that if they do report crimes it will be readily
10 known, and they will be vulnerable to retaliation. When criminal activity is reported to me and
11 I ask the residents if they reported it to the police at the time that it happened, I am often told
12 that they do not even bother calling "9-11" because of the fear of retribution.

13 22. Based upon my experience and observations in the "Santee" neighborhood, I
14 believe that there are certain steps that could be taken by the "Santee" property owners to
15 make conditions better in the residential complexes. In addition to implementing effective, on-
16 site property management, with pre-screening of tenants and strictly enforced standards of
17 conduct for tenants and visitors, and making the needed repairs, landscaping, lighting and
18 structural improvements to the properties, I believe it would be helpful to provide a physical
19 separation between the carports and the residential complexes, and also between the
20 individual residential units within each complex. This can be accomplished by installing gates
21 between the carports and the residential structures, and by providing fencing between the
22 individual rental units. Because there are many children in the "Santee," it would also be
23 helpful for the front fourplexes, through a low cost maintenance program administered by the
24 Conservation Corps. These types of improvements would make for a safer living environment
25 for the children, who now play in the dirt in unenclosed areas throughout the fourplex
26 premises. Additionally, it would make it more difficult for persons who are dealing drugs in the
27 carports and alleys behind the complexes to enter onto the fourplex grounds to sell drugs or
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1 to evade police detection. Installing fences between the individual fourplex units by number
2 on the fences would help protect law abiding "Santee" residence from exposure to the
3 presence of gangs and drug dealers. This would also help greatly in protecting the law
4 abiding fourplex resident from the criminal element in "Santee," residents from the criminal
5 element in "Santee," would help to identify residences where drug dealing is occurring, and
6 would make the properties less accessible to the drug dealers and the gang members who
7 currently enter onto the property easily, hang out, sell drugs, and create disturbances.

8 23. I believe that the Permanent Injunction is one of the most important tools we
9 have to improve the quality of life for the tenants of the Santee neighborhood. My experience
10 with a majority of the property owners is that without the requirements of the Permanent
11 Injunction, they would not correct violations unless they were brought to their attention by
12 Code Enforcement.

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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. As to those matters alleged on information and belief, I am
3 informed and believe them to be true and correct. This declaration was executed on
4 December _____, 2009, at San Jose, California.

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6 Patricia Ramos
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EXHIBIT A

Request for Service/Solicitud para Servicio

Renter's Name <i>Nombre del Inquilino</i>	_____	Telephone (home/casa) <i>Teléfono (work/trabajo)</i>	_____
Renter's Address <i>Domicilio del Inquilino</i>	_____	Date moved in <i>Fecha de mudanza</i>	_____
Name of Manager <i>Nombre de Manejador</i>	_____	Telephone: <i>Teléfono</i>	_____

List problem you have with your apartment common facilities, or the manager. <i>Lista problema que tenga con su apartment, facilidades communes, o manejador.</i>			
Date problem started: <i>Fecha del cominzo del problema:</i> ____/____/____	Did you tell management? <i>¿Le dijo al manejoamiento?</i>	<input type="checkbox"/> Yes/Si <input type="checkbox"/> No/No	<input type="checkbox"/> Corrected on date: <i>Corejido en Fecha:</i> <input type="checkbox"/> Still existing? <i>¿Todavía existe?</i> Date / Fecha ____/____/____
	When: <i>Cuando:</i> ____/____/____		
	Who: <i>Quién:</i> _____		
	Written: <i>Escrito:</i> <input type="checkbox"/> Yes/Si <input type="checkbox"/> No/No		
Effect on you/family: <i>Efecto en usted/familia:</i>	Verbal: <i>Verbal</i> <input type="checkbox"/> Yes/Si <input type="checkbox"/> No/No		

Office use only: Staff Name	Submitted Date	Status
White: Manager / Manejador Blanco	Pink: City of San Jose Rosa	Yellow: Tenant / Inquilino Amarillo

EXHIBIT B

**City of San Jose
Tully-Senter Strong Neighborhoods Initiative**

PROPERTY MANAGERS' MEETING

November 18, 2009

11:00 AM – 12:00 PM

Santee Neighborhood Action Center

AGENDA

I. INTRODUCTIONS

II. UPDATES

- San Jose Police Department
- Safe School Initiative
- Code Enforcement
- Admiral Security
- Property Managers
- City Attorney's Office
- Santee Action Center
- Monte Alban Apts.
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III. NEW BUSINESS

- Garbage – Green Team
- Self Managed Buildings How many more?
- Seasonal issue: Mold
- New Parking Decision
- Safety/Security Issues

IV. QUESTIONS/CONCERNS

V. ANOUNCEMENTS/TOPICS FOR NEXT AGENDA

VI. ADJOURNMENT

Next Meeting: December 9, 2009

Our mission is the SNI Business Plan:

- *Develop Community Leadership*
- *Neighborhood Priorities be delivered on time and within the budget*
- *Effective Delivery of City Services*

*For information, please contact Patricia Ramos, Community Coordinator at 277-2982
Santee Neighborhood Action Center, 1491 Santee Drive, San Jose, CA 95122*

EXHIBIT C

SANTEE TENANT RULES OF CONDUCT

- 1.** Pursuant to the Permanent Injunction, tenants are required to conform to the following standards at the subject property:
 - A.** Comply with all of the terms and conditions of the written rental agreement;
 - B.** Limit the persons who are residing at the residential units to the persons who are identified and approved for tenancy, and conform with all applicable State and local occupancy standards;
 - C.** Comply with all applicable parking provisions and refrain from storing inoperable vehicles;
 - D.** Properly dispose of garbage, in designated trash receptacles;
 - E.** Separate and deposit recyclable materials in designated recycling receptacles;
 - F.** Refrain from littering;
 - G.** Use appliances and fixtures in the residential units in a safe and proper manner;
 - H.** Refrain from storing any personal belongings in an unsafe manner on any of the exterior portions of the residential premises;
 - I.** Refrain from creating unreasonably loud noise;
 - J.** Refrain from drinking alcoholic beverages in the common areas, including the carports and driveways; and on the adjacent sidewalk area;
 - K.** Ensure that the tenant's visitors conduct themselves in conformity with the tenant "Rules Of Conduct."

REGLAS DE CONDUCTA DE INQUILINOS DE SANTEE

1. En relación a la prohibición judicial permanente, es necesario que los inquilinos observen las siguientes reglas en la propiedad mencionada:
 - A. Cumplir los términos y condiciones del acuerdo escrito de renta;
 - B. Limitar el número de personas que residen en las unidades a las personas nombradas y aprobadas para inquilinato, y cumplir las normas aplicables estatales y locales sobre inquilinato y ocupación.
 - C. Cumplir las cláusulas aplicables sobre estacionamiento y abstenerse de guardar vehículos inoperables.
 - D. Desechar apropiadamente la basura, en los receptáculos designados para desperdicios.
 - E. Separar y depositar materiales reciclables en receptáculos designados para reciclaje;
 - F. Abstenerse de botar basura;
 - G. Usar los electrodomésticos y otros aparatos dentro de las unidades de manera segura y apropiada;
 - H. Abstenerse de almacenar pertenencias personales de manera insegura en cualquiera de las áreas exteriores de las instalaciones residenciales;
 - I. Abstenerse de crear ruidos fuertes irracionalmente;
 - J. Abstenerse de ingerir bebidas alcohólicas en las áreas comunes, incluyendo cocheras y entradas pavimentadas así como aceras adyacentes
 - K. Asegurarse de que los visitantes de los inquilinos se comporten de acuerdo a las "Reglas de conducta" de inquilinos.

ĐIỀU LỆ VỀ HÀNH ĐỘNG CỦA NGƯỜI MƯƠN NHÀ CƯ XÁ SANTEE

1. Chiếu theo Lệnh Vĩnh Viễn của Thẩm Phán, người mướn bắt buộc phải tuân theo tiêu chuẩn sau đây tại khu cư xá:
 - A. Tuân hành theo tất cả điều khoản và điều kiện của bản văn hợp đồng thuê mướn;
 - B. Giới hạn số người cư ngụ trong đơn vị cho người được nhận diện và chấp nhận ở đó, và đúng theo tất cả tiêu chuẩn hiện hành và cư ngụ của địa phương;
 - C. Tuân theo tất cả điều khoản hiện hành về đậu xe và không nên chứa xe hư;
 - D. Bỏ rác đúng chỗ, trong thùng rác được chỉ định;
 - E. Phân ra và bỏ vật dụng tái tạo trong thùng tái tạo được chỉ định;
 - F. Không xả rác;
 - G. Sử dụng máy trong nhà và vật dụng treo trong đơn vị cư ngụ một cách an toàn và thích hợp;
 - H. Không tồn trữ mọi vật dụng cá nhân nào một cách không an toàn trên mọi khu nào bên ngoài cơ sở cư xá;
 - I. Không gây ra tiếng động lớn một cách bất hợp lý;
 - J. Không uống rượu nơi khu vực công cộng, kể cả nhà xe và lối vô nhà, và trong khu đường đi cạnh đó;
 - K. Bảo đảm là khách viếng thăm người mướn nhà hành xử đúng theo "Điều Lệ Hành Động" của người mướn.